RESOLUTION 2016-05

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF HAVERHILL, FLORIDA, LEVYING A NON-AD VALOREM SPECIAL ASSESSMENT FOR RESIDENTIAL PROPERTIES LYING WITHIN THE MUNICIPAL BOUNDARIES OF THE TOWN OF HAVERHILL AS MORE PARTICULARLY DESCRIBED IN EXHIBIT "A" ATTACHED HERETO, TO FUND SOLID WASTE COLLECTION AND DISPOSAL AND RELATED CHARGES WITHIN THE TOWN, COLLECTING SUCH PURSUANT TO THE UNIFORM METHOD FOR THE LEVY, COLLECTION AND ENFORCEMENT OF NON-AD VALOREM ASSESSMENTS; APPROVING, CONFIRMING, AND ADOPTING THE NON-AD VALOREM ASSESSMENT ROLL. INCORPORATED HEREIN AS EXHIBIT "B": SUCH **ASSESSMENTS PROVIDING** THAT SHALL CONSTITUTE LEGAL, VALID, AND BINDING FIRST LIENS **UPON PROPERTY AGAINST WHICH ASSESSMENTS ARE** MADE UNTIL PAID: PROVIDING FOR CONFLICT: PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town of Haverhill previously decided that it is in the best interest of the citizens and residents of Haverhill for the Town to provide Solid Waste collection and disposal services; and

WHEREAS, the Town Council has established a mandatory Solid Waste Collection program for Haverhill as set forth in Chapter 30, Solid Waste, of the Code of Ordinances of the Town of Haverhill; and

WHEREAS, Haverhill has awarded a Solid Waste and Recycling Agreement ("Contract") for the performance of the solid waste collection and disposal as set forth in the Contract; and

WHEREAS, it is the policy of the Town Council that Solid Waste Collection and Disposal be self-supporting thereby requiring all residential improved properties located within Haverhill to pay for the full costs of Solid Waste Collection and Disposal services, including any administrative or other charges relating thereto; and

WHEREAS, the Town of Haverhill previously decided to fund the Solid Waste Collection and Disposal Services through a non-ad valorem special assessment, and to collect such pursuant to the Uniform Method for the Levy, Collection and Enforcement of Non-Ad Valorem Assessment; and

WHEREAS, Haverhill desires to charge those dwelling units requiring residential curbside service pursuant to the procedures set forth in Section 197.3632, Florida Statutes, and otherwise known as the "Uniform Method"; and

WHEREAS, Haverhill desires to charge all Non Assessed Residential Units resulting from new construction during the year or post January 1, 2016 annexation of property into Haverhill that require Solid Waste Collection and Disposal services which costs are not assessed by Haverhill or the Solid Waste Authority of Palm Beach County Florida (Authority) pursuant to the procedures in Section 197.3632, Florida Statutes; and

WHEREAS, Haverhill has completed a review the said rate schedules and the annual Solid Waste Collection Non-Ad Valorem Special Assessment roll; and

WHEREAS, the Town of Haverhill previously adopted Resolution No. 2010-10 on December 16, 2010 stating the intent of the Town to use the uniform Method of Collecting a Non-Ad Valorem Assessment for solid waste collection and disposal and other related services; and

WHEREAS, the Town held a public hearing on June 23, 2016 to adopt the preliminary non- ad valorem special assessment roll for funding Solid Waste Collection and Disposal and related services within the Town; and

WHEREAS, affected property owners have had the right to file written objections to the Non-Ad Valorem Special Assessment, and to appear at the public hearing; and

WHEREAS, the Town has received the written objections, heard testimony from all interested persons, and considered all objections relating to the non-ad valorem special assessment; and

WHEREAS, the Town has equalized or adjusted the Non-Ad Valorem Special Assessment as dictated by fairness and right; and

WHEREAS, the amount of the Non-Ad Valorem Special Assessment in fiscal year 2016-2017 to fund Solid Waste Collection and Disposal Services and related charges is \$159,000 and

WHEREAS, the amount of the assessment per residential unit ("Non-Ad Valorem Special Assessment") shall be:

Single Family Homes \$ 234.00 per year

Multi-Family Homes (< 5 units) \$ 234.00 per unit, per year

and

WHEREAS, the payment of the non-ad valorem special assessment shall commence on October 1, 2016; and

WHEREAS, the non-ad valorem special assessment to fund Solid Waste Collection and Disposal Services shall be collected on an annual basis with the amount payable by a property owner to the Town in fiscal year 2016/2017 being the amount set forth in the non-ad valorem assessment roll, incorporated herein and attached hereto as Exhibit "B", with future assessment amounts to be determined on an annual basis.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF HAVERHILL, FLORIDA, THAT:

- **SECTION 1**. The foregoing "WHEREAS" clauses are hereby ratified and confirmed as being true and correct and are hereby made a specific part of this Resolution upon adoption hereof by the Town Council.
- **SECTION 2**. It is necessary, serves a Town and public purpose, and is in the best interests of the Town of Haverhill, to levy the Non-Ad Valorem Special Assessment to fund the Town's Solid Waste Collection and Disposal and related services.
- **SECTION 3.** The Town of Haverhill shall levy the Non-Ad Valorem Special Assessment to fund the Solid Waste Collection and Disposal and related Services provided by the Town. The assessment rate ("Rate") shall be \$234.00 per single family residential unit and \$234.00 per multi-family (< 5 units) unit.
- **SECTION 4.** The Town of Haverhill approves, confirms, and adopts the Non-Ad Valorem Special Assessment roll shown on Exhibit "B" and the Mayor is hereby designated and authorized to certify Haverhill's 2016/2017 Solid Waste Collection and Disposal Non-Ad Valorem Assessment Roll.
- SECTION 5. The non-ad valorem assessment roll shall be filed with the Town Administrator of the Town of Haverhill, and such other parties as may be required by contract or law, and such assessments shall stand confirmed and remain legal, valid, and binding first liens upon property against which such assessments are made until paid. The Non-Ad Valorem Special Assessment Rate shall be for the Fiscal Year 2016/2017 and shall become effective October 1, 2016. The Non-Ad Valorem Special Assessment roll as adopted is to be continued to be collected from year to year until discontinued by the Town.
- SECTION 6. Haverhill is hereby adopting fees for the purpose of providing for the collection and disposal of Solid Waste from residential dwelling units for newly constructed residential structures located within the Town which are not subject to the Uniform Method as allowed by Florida Statutes and defined as the Non Assessed Residential Units. The Schedule of Rates to be applied to Non Assessed Residential Units for Residential Solid Waste Collection and Disposal service as described in this section and as set forth in this Resolution (\$234.00 per unit) is hereby adopted. The monthly rates for service to Non Assessed Residential Units shall be identical to the monthly rates which are applied to Residential Assessed Units. The amount of the fees charged and collected from a Non Assessed Residential Unit shall be computed as provided in this section. Since the addition of newly constructed residential structures can occur uniformly throughout the period of time between when a property is recognized on the Property Appraiser Tax Roll and the rates for service are subsequently collected using the Uniform Method for Residential Solid Waste Collection services, it is necessary to prorate and collect said fees for that period of time which Residential Solid Waste Collection and Disposal services are provided to the Non Assessed Residential Unit. The amount of the fees charged and collected from a Non

Assessed Residential Unit shall be computed by Haverhill based on the formula contained in this section. Haverhill shall collect said fees for Non Assessed Residential Units as provided for in this Resolution.

Haverhill shall compute the amount of fees based on the following formula:

Non-Assessed Residential Unit Billing Formula:

$$(MR \times MF) + (DR \times RD) = Total Fees Due$$

MR = The rate for Residential Solid Waste Collection and Disposal Services adopted herein expressed on a monthly basis (Annual Rate divided by 12 months)

DR = The rate for Residential Solid Waste Collection and Disposal Services for Non-Assessed Residential Units adopted herein expressed on a daily basis (Annual Rate divided by 365 days)

RD = Remaining days in month in which Certificate of Occupancy or Certificate of Completion or Release of Electrical Power (collectively referred to as the "CO") for a newly constructed residential dwelling unit, inclusive of the day of issue.

The determination of the fees to be collected from Non-Assessed Residential Units associated with new construction will not be applicable to commercial service or multi-family residential units greater than 4 units. The assessment rate for Non-Assessed Residential Units shall be for the 2016/2017 Fiscal Year and shall become effective October 1, 2016. Haverhill shall collect fees charged to Non-Assessed Residential Units as follows:

- A. At the time application is made for a newly constructed residential building, Haverhill, pursuant to the terms of this Resolution, shall collect from each CO Applicant the Non-Assessed Residential Unit fees calculated in accordance with the methodology used by Haverhill as set forth in this Resolution. No CO shall be issued without proof of full payment of the Non-Assessed Residential Unit fees required to provide Solid Waste Collection and Disposal services.
- B. Any residential properties with existing improvements thereon which were annexed into Haverhill after January 1, 2016, shall be billed for full payment of the Solid Waste Collection and Disposal services calculated in accordance with the methodology as set forth in this Resolution.
- C. All fees collected from Non-Assessed Residential Units will be deposited in the funds for the benefit of the Solid Waste Enterprise Fund.
- D. The non-payment of the Non-Assessed Residential Unit fees from Solid Waste Collection and Disposal services shall not constitute a lien on the property of the Applicant which has not paid such fees.

SECTION 7. All resolutions or parts of resolutions in conflict herewith are hereby repealed to the extent of such conflict.

SECTION 8. If any clause, section or other part or application of this Resolution is held by any court of competent jurisdiction to be unconstitutional or invalid, in part or application, it shall not affect the validity of the remaining portions or applications of this Resolution.

SECTION 9. This Resolution shall become effective immediately upon its passage and adoption.

PASSED AND ADO	OPTED this 25th day	y of August, 201	6. Carneil	Member
Motion was seconded by_	_offered the forego	oing Resolution,	and moved its	adoption. The
Motion was seconded by_	Vice Mayor	Lawrence	Mordon	, and upon
being put to a vote, the vot	e was as follows:			
, ,				
			13	

JAY G. FOY, Mayor LAWRENCE GORDON, Vice Mayor MARK C. UPTEGRAPH, Council Member JO H. PLYLER, Council Member REMAR M. HARVIN, Council Member

The Mayor thereupon declared this Resolution approved and duly adopted by the Town Council of the Town of Haverhill, Florida this 25th day of August 2016.

ATTEST:

TOWN OF HAVERHILL, FLORIDA

Janice C. Rutan, Town Administrator

Jay G. Foy, Mayor



CERTIFICATE TO NON-AD VALOREM ASSESSMENT ROLL

I, the unde	ersigned, hereby ce	rtify that I am the (Shairman of t	the Board, or authorized			
agent of _	Town o	f Haverhill	, located	d in Palm Beach▼ County,			
Florida; as	s such, I have satisf	ed myself that all	property inclu	uded or includable on the			
Non-Ad Va	alorem Assessment	Roll for the afores	said county is	s properly assessed so far			
as I have I	peen able to ascerta	ain; and that all red	quired extens	ions on the above			
described	roll to show the nor	-ad valorem asse	ssments attri	butable to the property			
listed therein have been made pursuant to law.							
I further certify that, upon completion of this certificate and the attachment of same to							
the herein described Non-Ad Valorem Assessment Roll as part thereof, said Non-Ad							
Valorem Assessment Roll will be delivered to the Tax Collector of this county.							
In witness whereof, I have subscribed this certificate and caused the same to be							
attached to and made a part of the above described Non-Ad Valorem Assessment Roll							
this the	25 day of	August	, <u>20</u>	16			
			yo	u			
	A Marie Land	Cha	irman of the Bo	ard or authorized agent			
		of		of Haverhill			
			Name of	local government			
		Palm Beac	h	▼ County, Florida			

DESCRIPTION

A PARCEL OF LAND LYING IN SECTIONS 25, 26, 35, AND 36, TOWNSHIP 43 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF THE NORTHWEST QUARTER OF SAID SECTION 36;

THENCE SOUTH 01°30'22" WEST ALONG THE EAST LINE OF THE NORTHWEST QUARTER OF SAID SECTION 36. A DISTANCE OF 500.48 FEET TO THE CENTERLINE OF GROVE STREET AS SHOWN ON THE PLAT OF THE CLEVELAND GROVEACHES. AS RECORDED IN PLAT BOOK 9. PAGE 26 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA;

THENCE NORTH 88° 32' 41" WEST ALONG SAID CENTERLINE, A DISTANCE OF 1, 342.41 FEET TO THE EAST LINE OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 36;

THENCE SOUTH 01°26'02" WEST ALONG SAID EAST LINE, A DISTANCE OF 835.37 FEET TO THE SOUTH LINE OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 36;

THENCE NORTH 88° 35'41" WEST ALONG SAID SOUTH LINE, A DISTANCE OF 670.87 FEET TO THE EAST LINE OF THE WEST HALF OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 36;

THENCE SOUTH 01°24'21" WEST ALONG SAID EAST LINE, A DISTANCE OF 1, 337. 15 FEET TO THE SOUTH LINE OF THE NORTHWEST QUARTER OF SAID SECTION 36;

THENCE NORTH 88°38'47" WEST ALONG SAID SOUTH LINE, A DISTANCE OF 669.97 FEET TO THE SOUTHWEST CORNER OF THE NORTHWEST QUARTER OF SAID SECTION 36 AND THE SOUTHEAST CORNER OF THE NORTHEAST QUARTER OF SAID SECTION 35;

THENCE NORTH 89°03'21" WEST ALONG THE SOUTH LINE OF THE NORTHEAST QUARTER OF SAID SECTION 35. A DISTANCE OF 2,690.36 FEET THE WEST LINE OF THE NORTHEAST QUARTER OF SAID SECTION 35;

THENCE NORTH 01°24'55" EAST ALONG SAID WEST LINE. A DISTANCE OF 2,656.21 FEET TO THE NORTHWEST CORNER OF THE NORTHEAST QUARTER OF SAID SECTION 35 AND THE SOUTHWEST CORNER OF THE SOUTHEAST QUARTER OF SAID SECTION 26;

THENCE NORTH 01°24′53" EAST ALONG THE WEST LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 26. A DISTANCE OF 60.68 FEET TO THE NORTH RIGHT OF WAY LINE OF BELVEDERE ROAD AS SHOWN ON THE PLAT OF PARK HILL ESTATES. AS RECORDED IN PLAT BOOK 87. PAGES 35 THROUGH 37 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA;

THENCE NORTH 83°49'12" WEST ALONG SAID NORTH RIGHT OF WAY LINE, A DISTANCE OF 220.00 FEET TO THE WEST LINE OF SAID PLAT OF PARK HILL ESTATES:

THENCE NORTH 01°24'53" EAST ALONG SAID WEST LINE, A DISTANCE OF 241.55 FEET:

THENCE NORTH 88°35'07" WEST ALONG SAID WEST LINE, A DISTANCE OF 140.75 FEET;

THENCE NORTH 01°24'53° EAST ALONG SAID WEST LINE, A DISTANCE OF 1, 293.08 FEET TO THE NORTH LINE OF SAID PLAT OF PARK HILL ESTATES;

THENCE SOUTH 89°06'46" EAST ALONG SAID NORTH LINE AND ITS EASTERLY EXTENSION, A DISTANCE OF 360.00 FEET TO THE WEST LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 26;

THENCE SOUTH 01°24'53" WEST ALONG SAID WEST LINE. A DISTANCE OF 268.34 FEET TO THE NORTH LINE OF THE SOUTH HALF OF THE SOUTHEAST QUARTER OF SAID SECTION 26;



RICHARD H. SMITH, INC. SURVEYING AND MAPPING FLORIDA LICENSE NUMBER LO 7667 FROM ITABULY SUBBLISOUTH AND STREET 6748 LASE COLINAS STREET LAKE WORTH, FL 33463 (561) 536-8191

TOWN OF HAVERHILL TOWN BOUNDARY JUNE 2009

PROJECT NUMBER: 1303

CADD FILE: 1303

SHEET 1 OF 3

THENCE SOUTH 89°17'50° EAST ALONG SAID NORTH LINE, A DISTANCE OF 2,133.59 FEET TO THE WEST LINE OF TRACT 8, HAVERHILL ACRES, AN ADDITION TO WEST PALM BEACH. ACCORDING TO THE PLAT THEREOF. AS RECORDED PLAT BOOK 20. PAGE 75 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA;

THENCE NORTH 01°30'00" EAST ALONG THE WEST LINE OF TRACTS 8 AND 7. SAID PLAT OF HAVERHILL ACRES. AN ADDITION TO WEST PALM BEACH. A DISTANCE OF 322.71 FEET TO THE NORTH LINE OF THAT PARCEL DESCRIBED IN THAT SPECIAL WARRANTY DEED RECORDED IN OFFICIAL RECORDS BOOK 22075, PAGE 1158 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA;

THENCE SOUTH 89° 17' 50" EAST ALONG SAID NORTH LINE, A DISTANCE OF 243.34 FEET:

THENCE SOUTH 01° 30' 00° WEST ALONG SAID NORTH LINE, A DISTANCE OF 140.00 FEET;

THENCE SOUTH 89"17'50" EAST ALONG SAID NORTH LINE, A DISTANCE OF 75.60 FFFT:

THENCE SOUTH 01°30'19" WEST ALONG SAID NORTH LINE, A DISTANCE OF 47.10 FEET;

THENCE SOUTH 89°17'50" EAST ALONG SAID NORTH LINE, A DISTANCE OF 184.68 FEET TO A LINE 50 FEET WEST OF AND PARALLEL WITH THE EAST LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 26;

THENCE SOUTH 01°22'22" WEST ALONG SAID PARALLEL LINE, A DISTANCE OF 14.49 FEET TO THE WESTERLY EXTENSION OF THE NORTH LINE OF THE SOUTH 1461 FEET OF THE SOUTHWEST QUARTER OF SAID SECTION 25;

THENCE SOUTH 88°31'45" EAST ALONG SAID LINE, A DISTANCE OF 288.00 FEET TO THE EAST LINE OF THE WEST 238 FEET OF THE SOUTHWEST QUARTER OF SAID SECTION 25;

THENCE NORTH 01°22'22" EAST ALONG SAID EAST LINE, A DISTANCE OF 208.00 FEET TO THE NORTH LINE OF THE SOUTH 1669 FEET OF THE SOUTHWEST QUARTER OF SAID SECTION 25;

THENCE SOUTH 88°31'45" EAST ALONG SAID NORTH LINE, A DISTANCE OF 456.00 FEET TO THE EAST LINE OF THE WEST 694 FEET OF THE SOUTHWEST QUARTER OF SAID SECTION 25;

THENCE SOUTH 01°22'22" WEST ALONG SAID WEST LINE, A DISTANCE OF 54.00 FEET TO THE NORTH LINE OF THE SOUTH 1615 FEET OF THE SOUTHWEST QUARTER OF SAID SECTION 25;

THENCE SOUTH 88° 31' 45" EAST ALONG SAID NORTH LINE, A DISTANCE OF 313.81 FEET TO THE EAST LINE OF THE WEST THREE GUARTERS OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 25;

THENCE SOUTH 01°23'29" WEST ALONG SAID EAST LINE. A DISTANCE OF 1015.00 FEET TO THE NORTH LINE OF THE SOUTH 600 FEET OF THE SOUTHWEST QUARTER OF SAID SECTION 25;

THENCE SOUTH 88°31'45" EAST ALONG SAID NORTH LINE, A DISTANCE OF 1,679.13 FEET TO THE EAST LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 25;

THENCE SOUTH 01°25'21" WEST ALONG SAID EAST LINE. A DISTANCE OF 600 FEET TO THE SOUTHEAST CORNER OF THE SOUTHWEST QUARTER OF SAID SECTION 25. THE NORTHEAST CORNER OF THE NORTHWEST QUARTER OF SAID SECTION 36 AND THE POINT OF BEGINNING.

LYING IN PALM BEACH COUNTY, FLORIDA. CONTAINING 400 ACRES, MORE OR LESS.



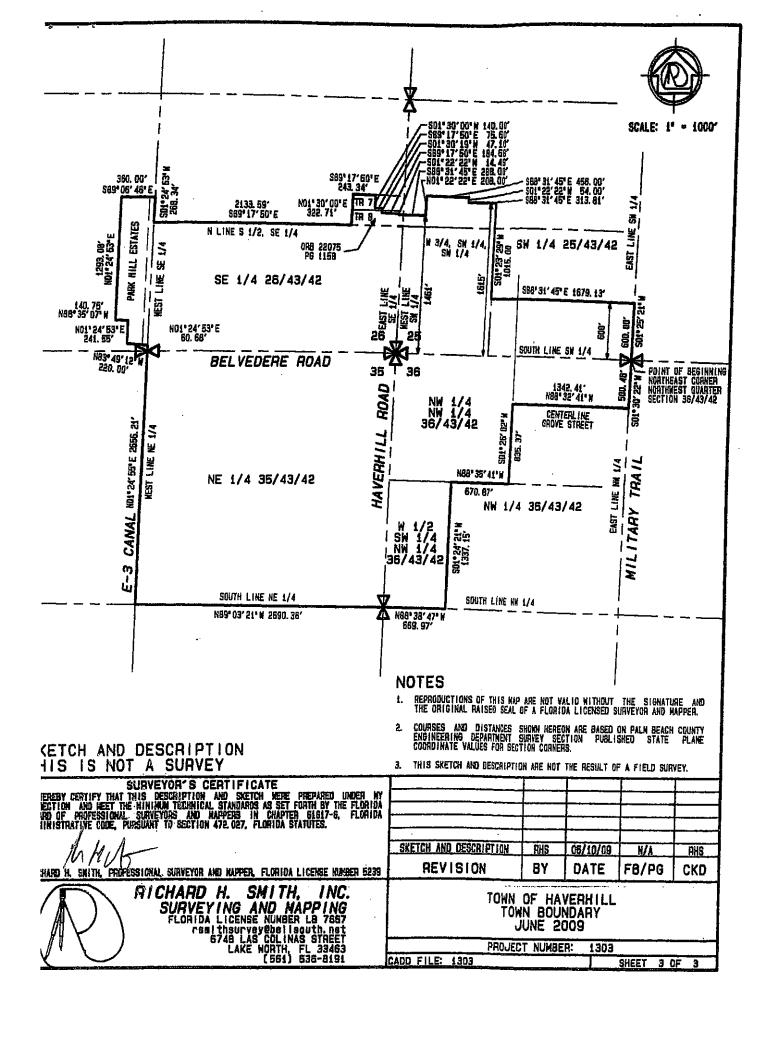
RICHARD H. SMITH, INC. SURVEYING AND MAPPING FLORIDA LICENSE NUMBER LB 7667 rssithsurvey@ballsouth.nat 6748 LAS COLINAS STREET LAKE WORTH, FL 33463 (561) 536-8191

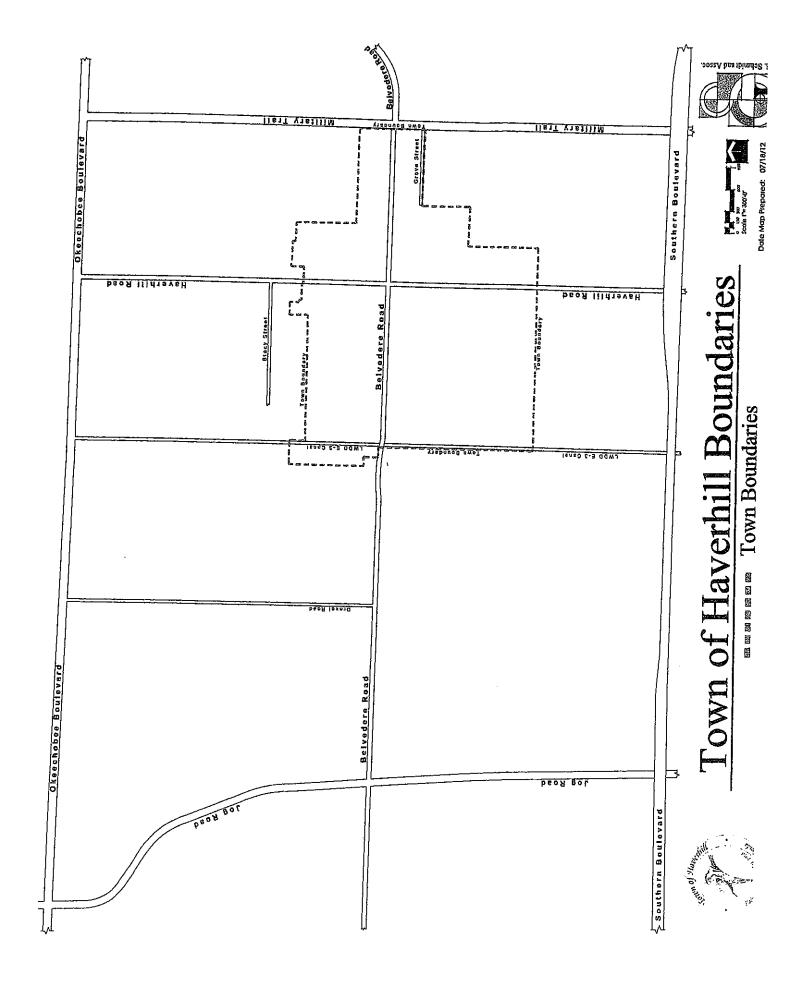
TOWN OF HAVERHILL TOWN BOUNDARY 2009

PROJECT NUMBER: 1303

CADD FILE: 1303

SHEET 2 OF 3





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RECEIPT

TOWN OF HAVERHILL

NOTICE OF HEARING TO LEVY THE NON-AD VALOREM ASSESSMENT TO FUND SOLID WASTE COLLECTION AND DISPOSAL SERVICES

AND DISPOSAL SERVICES

Notice is hereby given that the Town of Haverhill will conduct a public hearing to levy a Non-Ad Valorem Special Assessment to fund Solid Waste Collection and Disposal Services. The public hearing will be held at 7:00 RM, on Thursday, August 25, 2016, at the Town Hall, Council Chambers, located at 4585 Charlotte Street, Haverhill, Florida for the purpose of receiving public comment on the proposed levy to fund Solid Waste Collection and Disposal Services for the fiscal year October 1, 2016 through September 30, 2017. The Town of Haverhill uses the Uniform Assessment Collection Act for the levy, collection and enforcement of the non-ad valorem assessments pursuant to Florida Statute 197.3632.

The purpose of the assessment is to fund solid waste collection and disposal and related charges, Including administrative and other charges relating thereto. The total amount proposed to be levied per Residential Unit is as follows:

Single Family homes \$234,00 per year Multi Family Homes (<5 units) \$234.00 per unit, per year

This assessment shall be collected by the Palm Beach County Tax Collector, pursuant to Chapter 197, Florida Statutes, Failure to pay the non ad valorem special assessment for the Solid Waste Collection and Disposal Services will cause a tax certificate to be issued against the assessed property which may result in a loss of title to the property.

sult in a loss of title to the property.

All interested persons may inspect the initial assessment roll and ascertain the amount to be assessed against a parcel of assessed property at the Office of the Town Administrator, located at 4585 Charlotte Street, Haverhill, Florida during business hours. If you decide to appeal any decision made by the Town Council with respect to any matter considered at the hearing, you will need a record of the proceedings and may need to ensure that a verbatim record is made, including the testimony and evidence upon which the appeal is to be made. In accordance with the Americans with Disabilities Act, if you need a special accommodation or an interpreter to participate in this proceeding, please contact the Town Administrator at (561) 689-0370 at least 48 hours prior to the date of the hearing. If hearing impaired, telephone the Florida Relay Service Numbers, 800-955-8771 (TDD) or 800-955-8770 (Voice), for assistance. (Reference: section 286.26, Florida Statutes).

Janice C. Rutan, MMC Town Administrator Town of Haverhill, Florida PUB: The Palm Beach Post 8-18/2016 #640156

The Palm Beach Post

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RECEIPT

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TOWN OF HAVERHILL

NOTICE OF HEARING TO LEVY THE NON-AD VALOREM ASSESSMENT TO FUND SOLID WASTE COLLECTION AND DISPOSAL SERVICES

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Janice C. Rutan, MMC Town Administrator Town of Haverhill, Florida